

EXHIBIT C

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

ECOLAB Inc., and NALCO COMPANY,
LLC d/b/a Nalco Water, an Ecolab Company
and/or Nalco Water,

Plaintiffs,

No. 3:23-cv-00102

v.

JESSICA GRAILER,

Defendant.

DECLARATION OF LAURENCE D. LIEB

Introduction

1. My name is Laurence D. Lieb. I am the President of Tyger Forensics Inc., which provides, among other things, computer forensics and electronic discovery services to litigation attorneys and their clients. I am a Magnet Forensics Certified Examiner and a Cellebrite Certified BlackLight Examiner. I am also a licensed private investigator in the State of Michigan.

2. To obtain my certification as a Magnet Forensics Certified Examiner, I undertook online training led by Magnet Forensics. To remain certified, I am required, from time to time, to retrain and pass certification examinations for new software versions. A true and exact copy of my certification is attached as part of **Exhibit A** and incorporated by reference.

3. To obtain my certification as a Cellebrite Certified BlackLight Examiner, I undertook online training led by Cellebrite. To remain certified, I am required, from time to time, to retrain and pass certification examinations for new software versions. A true and exact copy of my certification is attached as part of **Exhibit B** and incorporated by reference.

4. I counsel and assist clients in the preservation, extraction, and analysis of electronic data, using industry-standard practices, based on evidence personally analyzed, and form expert opinions regarding human interaction with electronic data from smartphones, computers, cloud-based sources, and a myriad of other electronic devices. I have been retained for this type of work around the country by numerous clients, as described in my curriculum vitae, which is attached as **Exhibit C**.

5. I have been retained by Ecolab, and its counsel, Fisher & Phillips LLP, to provide expert opinions regarding my forensic analysis of a data loss prevention system report and documents in the litigation titled *Ecolab Inc., and Nalco Company, LLC d/b/a Nalco Water, an*

Ecolab Company and/or Nalco Water v. Jessica Grailer, pending in the United States District Court Western District of Wisconsin (the “Litigation”).

6. My hourly rate for this matter varies by task as follows: for pure forensic analysis & reporting, \$350 per hour; for written declarations, depositions, and other sworn testimony, \$450 per hour. My fees are unrelated to the outcome of the Litigation. My curriculum vitae, attached as **Exhibit C**, lists my testimonial experience for the last four years and all my publications for the last ten years.

7. This report is based on my personal knowledge, experience, and expertise in the area of forensic analysis of electronic devices. It is also based on my review of the documents and information contained within Ecolab former employee, Jessica Grailer’s former Ecolab work laptop, Ecolab work iPhones, Ecolab email and OneDrive account contents, and Ecolab’s digital loss prevention tool, Digital Guardian’s report which captured Jessica Grailer’s human interaction with Ecolab’s files.

8. It is my understanding that the plaintiffs in this case is Ecolab (“Plaintiff”), and the defendant is a former employee of Plaintiff named Jessica Grailer (“Grailer”). The claims pleaded by the Plaintiff, include (1) theft of trade secrets in violation of the Defend Trade Secrets Act, (2) violations of the Wisconsin Trade Secret Act, (3) violations of the Computer Fraud and Abuse Act, and (4) Breach of Contract. Plaintiffs claim that Grailer misappropriated trade secrets and other confidential information from Ecolab.

9. I reserve the right to render additional opinions, to supplement or amend the opinions in this report, and to provide additional grounds for those opinions based on my ongoing analysis of the materials provided to me or as may be required by events that occur during the course of this Litigation, including but not limited to responding to or analyzing positions taken by Grailer or her experts.

Forensic Preservation

10. It is critical to use “Best Practices” when conducting a forensic examination. “Best Practices” are defined as use of industry-standard chain of custody forensic software that will preserve and maintain which specific person has sole control over a specific single source of electronic evidence up to a time and date certain. It also includes the use of tools and methodologies that do not make changes to the underlying electronic evidence in any way. If the proper standardized software is not used, it can result in the underlying data being changed or otherwise distorted. The software, tools, and methodologies that I used to conduct my forensic examination comport with these “Best Practices.”

11. I used a Tableau TX1 Versions 22.1.0 forensic duplicator to create a bit for bit forensic image of Jessica Grailer’s HP Elitebook HSN-104C S/N 5CG8471D6W (“Laptop”).

12. I used Cellebrite UFED 4PC to create a forensic image of Jessica Grailer’s iPhone XR (A1984) S/N: DX3CW3W0KXKN (“iPhone XR”).

13. Tyger Forensics was also provided with Jessica Grailer’s company issued iPhone 6S, serial number 9&30a71d7&1&0000 (“iPhone 6S”), but Ms. Grailer had performed a factory reset of her iPhone 6S prior to returning the phone to Ecolab and Tyger Forensics. By virtue of performing a factory reset of her iPhone 6S, Ms. Grailer destroyed beyond recovery all data contained within the iPhone 6S.

Forensic Analysis - Digital Guardian Report

14. Ecolab employs a data loss prevention tool, Digital Guardian, to track Ecolab employees’ interactions with Ecolab files, such as the downloading and copying of Ecolab files to external USB media and the emailing of Ecolab files to 3rd party email accounts.

15. Ecolab’s data loss prevention tool, Digital Guardian version 8.4.0.0263, generated a report (“Digital Guardian Report”) of all interactions former employee Jessica Grailer performed

regarding Ecolab files during the period November 14, 2022 through January 18, 2023 inclusive. I forensically analyzed the Digital Guardian Report and came to the forensic observations and opinions set forth in this report.

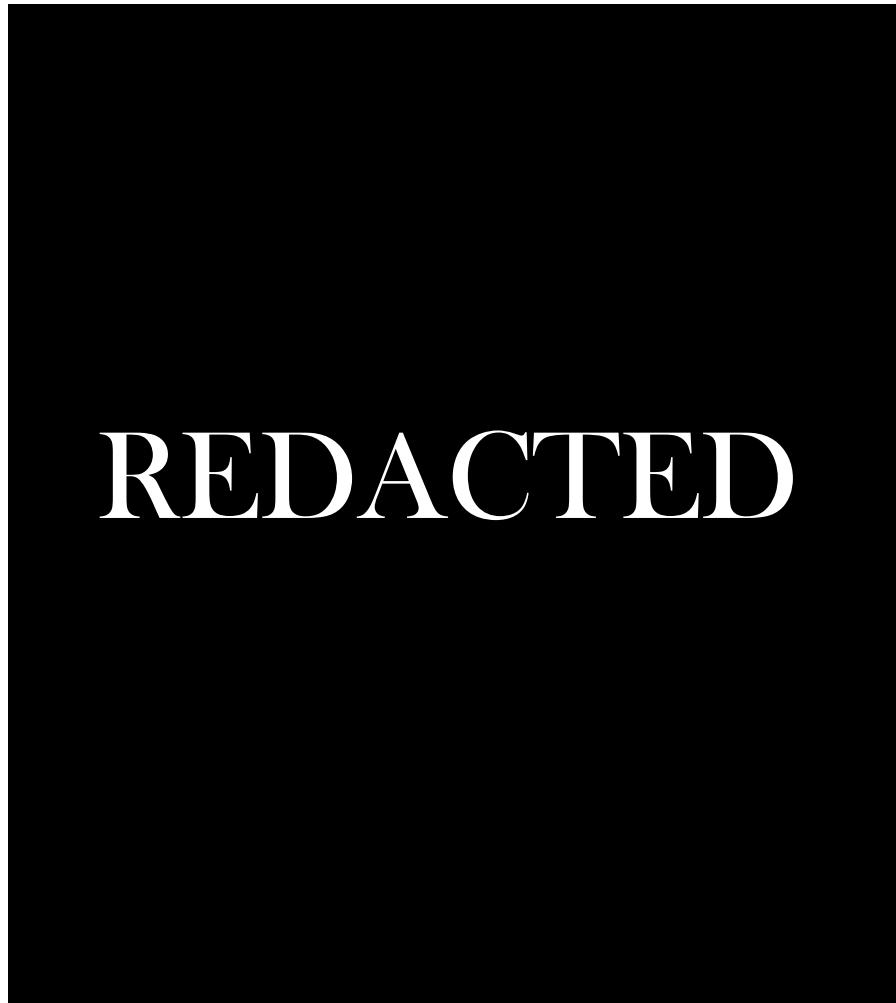
16. Forensic analysis revealed Jessica Grailer accessing her Ecolab OneDrive account using a heretofore undisclosed iPhone 12 Mini on Jan 14, 2023 @ 00:52:28.000.

17. Forensic analysis revealed Jessica Grailer accessing her Ecolab OneDrive account on January 15, 2023 @ 13:01:37.000 and then exfiltrating the files listed in Table A below.

Table A

- NA F&B NW CONTACT SHEET SALES ROSTER AND MAPS JANUARY 2023.pdf
- FBMN Regions 1.06.2023.pdf
- Renewable Energy Service Report 2-08-2022_20220208.pdf
- Customer_Face_Presentation_Renewables_-_DEC22[1].pptx
- Nalco SW3220.docx
- PORTA-FEED Program (B-307).pdf
- Nalco 73002.docx
- SW3220_NOP_CWA_EN.pdf
- PC-67 EN.pdf
- XL-3L RO-NALCO.pdf
- B-775.pdf
- PermaClean PC-67 Membrane Cleaning Compound.pdf
- Renewable Energy Service Report 1-26-2022_20220126.pdf
- NALCO 7399 CorrosionScale Inhibitor.docx
- Product Registration_NRCP_GR.pdf
- Microsoft PowerPoint - 2018 - CLO2 Program Selection March 2018.pdf
- NALCO 60510 A LAZON Technology Program.docx
- NALCO 2513 Corrosion Inhibitor CPP.docx
- SW3220 EN.pdf
- PermaClean PC-67 Membrane Cleaning Compound.docx

18. Forensic analysis revealed Jessica Grailer used her Laptop to access a file named “jessica grailer (pay plan).pdf” on 12/15/2022 21:36 within Ms. Grailer’s personal Gmail account. I recovered the file named “jessica grailer (pay plan).pdf” from the Laptop; this file as seen below is a “COMP MODEL” document from Chemtreat which was signed by Jessica Grailer on 12/15/2022.



Forensic Analysis of the Laptop - Exfiltration of Ecolab Files

19. Forensic analysis revealed Jessica Grailer again attached the external EMTEC Click 2.0 32GB USB drive, serial number 070B4A71ADB22353, to the Laptop on 1/8/2023 9:39:51 PM CST¹.

20. Forensic analysis revealed Jessica Grailer last attached the iPhone 6S, serial number 9&30a71d7&1&0000, to the Laptop on 1/8/2023 9:39:51 PM CST².

21. Therefore, it is my expert opinion that Ms. Grailer factory reset her iPhone 6S after January 8, 2023 before returning the phone to Ecolab.

22. Forensic analysis of the Laptop revealed Jessica Grailer purchased 50GB of iCloud+ storage from the Apple Store on 12/20/22 5:10 PM³ notwithstanding the fact that Grailer later factory reset her Ecolab iPhone 6S.

23. Forensic analysis revealed the fact that Jessica Grailer changed her iPhone 6S's AppleID email address from jlgrailer@ecolab.com to a non-Ecolab email address. I attempted to access the Apple iCloud account associated with the email address jlgrailer@ecolab.com, but Apple reports that this email address is no longer valid. Therefore it is my opinion, and the evidence is consistent with the fact that Jessica Grailer obviated the ability of Ecolab to access any iCloud stored backups of the iPhone 6S and thus recover Ecolab property, but also the fact that Jessica Grailer currently has access to the iCloud stored Ecolab property through her new AppleID email address.

¹LT001-JESSICA-GRAILER E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Windows\System32\config\SYSTEM, ControlSet001\Enum\USB\VID_6557&PID_4200\070B4A71ADB22353

² LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Windows\System32\config\SYSTEM . ControlSet001\Enum\USB\VID_05AC&PID_12A8&MI_00\9&30a71d7&1&0000

³ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\AppData\Local\Microsoft\Outlook\jlgrailer@ecolab.com.ost

24. Forensic analysis of the Laptop revealed Jessica Grailer exfiltrating multiple photographs of Ecolab equipment from her Ecolab OneDrive account and taken by her iPhone 6S 1/8/2023 9:11:06 PM CST⁴.

25. For example, Grailer exfiltrated a photo named “IMG_3654.JPG” taken by the iPhone 6S from her OneDrive account from the following location: “OneDrive - Ecolab\Pictures\adkins evap inspection 9.23.19\Evap over view pics\IMG_3654.JPG.” Three additional photos taken by the iPhone 6S and exfiltrated by Grailer are attached as **Exhibit D** and are incorporated herein by reference.

IMG_3654.JPG



REDACTED

⁴ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\OneDrive - Ecolab\Pictures\adkins evap inspection 9.23.19\Evap over view pics\IMG_3654.JPG

26. Forensic analysis of the Laptop revealed Jessica Grailer plugging in the Emtec external EmtecmUSB drive (“USB Drive”), serial number 789127BD / 070B4A71ADB22353, to the Laptop on 12/20/2022 6:26:32 AM and unplugging the USB Drive on 12/20/2022 4:55:04 PM⁵.

27. Forensic analysis of the Laptop revealed Jessica Grailer connecting the now factory reset iPhone 6S, serial number 9&30a71d7&1&0000 to the Laptop on 1/8/2023 9:39:51 PM⁶.

28. Forensic analysis of the Laptop revealed Jessica Grailer connecting the Emtec 32GB, serial number 070B4A71ADB22353, USB Drive again to the Laptop on 1/8/2023 9:39:51 PM⁷.

29. Forensic analysis of the Laptop revealed Jessica Grailer accessing the below folders and files from the Emtec USB Drive⁸:

- D:\June 2022 BRR Meeting\BRR - Nalco Evaporator Inspection with Performance Index 4.7.2022.pdf
- D:\June 2022 BRR Meeting\BRR W Burlington Deposit Control Calcs.pdf
- D:\June 2022 BRR Meeting\BRR - Nalco Evaporator Inspection with Performance Index 4.7.2022.pdf
- D:\July 2022
- D:\BRR WB Evaporator Report - Side 2 3.2.22 (002).pdf

⁵ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\NTUSER.DAT. HKU\S-1-5-21-3343834222-2031793820-3172701118-375185\SOFTWARE\Microsoft\Windows\CurrentVersion\Explorer\MountPoints2\{bc60243f-0db6-11eb-a291-3024321d29bd}

⁶ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Windows\System32\config\SYSTEM.
ControlSet001\Enum\USB\VID_05AC&PID_12A8&MI_00\9&30a71d7&1&0000

⁷ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Windows\System32\config\SYSTEM.
ControlSet001\Enum\USB\VID_6557&PID_4200\070B4A71ADB22353

⁸ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB)
OSDisk\Users\JLGRAILER\AppData\Roaming\Microsoft\Windows\Recent\AutomaticDestinations\de48a32edcbe79e4.automaticDestinations-ms

30. Forensic analysis of the Laptop revealed Jessica Grailer exfiltrating 159 files on 1/8/2023 7:20:38 PM⁹ and 2 files on 1/8/2023 8:48:02 PM¹⁰. A spreadsheet of all 161 exfiltrated files are attached as **Exhibit E** and are incorporated herein by reference.

31. Forensic analysis of the Laptop revealed Jessica Grailer exfiltrating 1 PDF document on 1/8/2023 8:56:32 PM¹¹. A spreadsheet of the PDF document details is attached as **Exhibit F** and is incorporated herein by reference.

32. Forensic analysis of the Laptop revealed Jessica Grailer exfiltrating 128 Excel documents on 1/8/2023 between 7:33:24 PM¹² and 9:04:11 PM¹³. A spreadsheet of the Excel document details are attached as **Exhibit G** and are incorporated herein by reference.

33. Forensic analysis of the Laptop revealed Jessica Grailer exfiltrating 43 pictures on 1/8/2023 9:11:06 PM¹⁴. A spreadsheet of the Excel document details are attached as **Exhibit H** and are incorporated herein by reference.

⁹ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\\$Extend\\$UsnJrnl:\$J

¹⁰ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\\$Extend\\$UsnJrnl:\$J

¹¹ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\OneDrive - Ecolab\Desktop\desktop\Water Log No.07 steam purity sampling.pdf

¹² LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\Ecolab\Owens, Michael - ADM Clinton\Discharge permitting 2021.xlsx

¹³ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\Ecolab\Galliart, Joshua - ADM\ADM KPI Report\ADM Clinton KPI Inventory Sheet.xlsx

¹⁴ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\OneDrive - Ecolab\Pictures\adkins evap inspection 9.23.19\Evap over view pics\

Forensic Analysis of the Laptop - Involvement with ChemTreat

34. Forensic analysis of the Laptop revealed Jessica Grailer logged onto the website “<https://danaher.wd1.myworkdayjobs.com/>” on 12/15/22 9:05 PM¹⁵. One minute later, on 12/15/22 9:06 PM¹⁶, Jessica Grailer visited the website “<https://danaher.wd1.myworkdayjobs.com/ChemTreatJobs/download/assets/n1879380318?fileName=Offer+Letter+Document+2022-12-14.pdf>” and downloaded a file titled “Offer Letter Document 2022 12 14.pdf”¹⁷. The file “Offer Letter Document 2022 12 14.pdf” included a tentative start date for Jessica Grailer at ChemTreat of 1/03/2023. This document is attached as **Exhibit I** and is incorporated herein by reference.

35. Forensic analysis of the Laptop revealed Jessica Grailer downloaded a file titled “Jessica Grailer (Pay Plan).pdf” 12/15/22 9:31 PM¹⁸. On 12/15/22 9:39 PM¹⁹, Jessica Grailer saved a file titled “Jessica Grailer (Pay Plan) (1).pdf” containing her signature and a start date of “TBD”. “Jessica Grailer (Pay Plan) (1).pdf” is attached as **Exhibit J** and is incorporated herein by reference.

36. Forensic analysis of the Laptop revealed Jessica Grailer received an email to her Gmail account “jessicagrailer@gmail.com” with the subject “Signature requested on "ChemTreat New Hire Policies"” on 12/21/2022 8:48 AM²⁰. Jessica Grailer received an email to her Gmail

¹⁵ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\AppData\Local\Google\Chrome\User Data\Profile 1\Login Data

¹⁶ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\AppData\Local\Google\Chrome\User Data\Profile 1\History

¹⁷ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\Downloads\Offer+Letter+Document+2022-12-14.pdf

¹⁸ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\Downloads\Jessica Grailer (Pay Plan).pdf

¹⁹ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\Downloads\Jessica Grailer (Pay Plan) (1).pdf

²⁰ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\AppData\Local\Google\Chrome\User Data\Profile 1\History

account “jessicagrailer@gmail.com” with the subject “You signed: "ChemTreat New Hire Policies"" on 12/21/2022 8:57 AM²¹.

37. Forensic analysis of the Laptop revealed Jessica Grailer received an email to her Gmail account “jessicagrailer@gmail.com” with the subject “ChemTreat Background Investigation - Action Required” on 12/18/22 10:26 PM²².

38. Forensic analysis of the Laptop revealed Jessica Grailer received an email to her Gmail account “jessicagrailer@gmail.com” with the subject “Background Clear - ChemTreat” on 12/30/22 12:43 PM²³.

39. Forensic analysis of the Laptop revealed Jessica Grailer downloaded 66 email attachments from her Outlook Email account “jlgrailer@ecolab.com” on 1/8/2023 from 3:46:10 AM to 8:50:47PM²⁴. A spreadsheet of the exfiltrated Email Attachments is attached as **Exhibit K** and are incorporated herein by reference.

Conclusion

40. It is my expert opinion, and the evidence is consistent with the fact that, Jessica Grailer, after accepting employment with Chemtreat on December 15, 2022, exfiltrated multiple Ecolab files via the Emtec USB drive, changed access to the iCloud stored Ecolab data so that only Grailer could access the account, and then destroyed all data on her Ecolab iPhone 6S to prevent Ecolab from accessing the content of the iPhone itself and the iPhone’s iCloud backups. Finally,

²¹ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\AppData\Local\Google\Chrome\User Data\Profile 1\History

²² LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\AppData\Local\Google\Chrome\User Data\Profile 1\History

²³ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\AppData\Local\Google\Chrome\User Data\Profile 1\History

²⁴ LT001-JESSICA-GRAILER.E01 - Partition 4 (236.54 GB)_decrypted.img - Entire Disk (Microsoft NTFS, 236.54 GB) OSDisk\Users\JLGRAILER\AppData\Local\Microsoft\Outlook\jlgrailer@ecolab.com.ost

after being terminated from Ecolab, Grailer surreptitiously accessed Ecolab's OneDrive account to exfiltrate even more Ecolab documents.

I am over the age of 18 years old and do not suffer from any disabilities which would prevent me from giving and understanding this Declaration based on my personal knowledge.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 21, 2023

A handwritten signature in black ink that reads "Laurence D. Lieb". The signature is fluid and cursive, with "Laurence" on the first line and "D. Lieb" on the second line.

Laurence D. Lieb